

(g) Additional remedies

The remedies provided in this chapter shall be in addition to, and not exclusive of, other remedies that may be available.

(Pub. L. 103–190, § 9, Dec. 14, 1993, 107 Stat. 2286.)

§ 6809. Investigations and power to subpoena**(a) Investigations**

The Secretary may make such investigations as the Secretary considers necessary for the effective administration of this chapter, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this chapter or any order or regulation issued under this chapter.

(b) Subpoenas, oaths, and affirmations**(1) Investigations**

For the purpose of making an investigation under subsection (a) of this section, the Secretary may administer oaths and affirmations, and issue subpoenas to require the production of any records that are relevant to the inquiry. The production of the records may be required from any place in the United States.

(2) Administrative hearings

For the purpose of an administrative hearing held under section 6807(a)(2) or 6808(c)(3) of this title, the presiding officer may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of the records may be required from any place in the United States.

(c) Aid of courts**(1) In general**

In the case of contumacy by, or refusal to obey a subpoena issued under subsection (b) of this section to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is conducted, or where the person resides or conducts business, in order to enforce a subpoena issued under subsection (b) of this section.

(2) Order

The court may issue an order requiring the person referred to in paragraph (1) to comply with a subpoena referred to in paragraph (1).

(3) Failure to obey

Any failure to obey the order of the court may be punished by the court as a contempt of court.

(4) Process

Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or conducts business or wherever the person may be found.

(Pub. L. 103–190, § 10, Dec. 14, 1993, 107 Stat. 2288.)

§ 6810. Confidentiality**(a) Prohibition**

No information on how a person voted in a referendum conducted under this chapter shall be made public.

(b) Penalty

Any person who knowingly violates subsection (a) of this section or the confidentiality terms of an order, as described in section 6804(j)(2) of this title, shall be subject to a fine of not less than \$1,000 nor more than \$10,000 or to imprisonment for not more than 1 year, or both. If the person is an officer or employee of the Department of Agriculture or the PromoFlor Council, the person shall be removed from office.

(c) Additional prohibition

No information obtained under this chapter may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this chapter or an investigatory or enforcement action necessary for the implementation of this chapter.

(d) Withholding information from Congress prohibited

Nothing in this chapter shall be construed to authorize the withholding of information from Congress.

(Pub. L. 103–190, § 11, Dec. 14, 1993, 107 Stat. 2288.)

§ 6811. Authority for Secretary to suspend or terminate order

If the Secretary finds that an order, or any provision of the order, obstructs or does not tend to effectuate the policy of this chapter specified in section 6801(b) of this title, the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines are appropriate.

(Pub. L. 103–190, § 12, Dec. 14, 1993, 107 Stat. 2289.)

§ 6812. Construction**(a) Termination or suspension not an order**

The termination or suspension of an order, or a provision of an order, shall not be considered an order under the meaning of this chapter.

(b) Producer rights

This chapter—

(1) may not be construed to provide for control of production or otherwise limit the right of individual cut flowers and cut greens producers to produce cut flowers and cut greens; and

(2) shall be construed to treat all persons producing cut flowers and cut greens fairly and to implement any order in an equitable manner.

(c) Other programs

Nothing in this chapter may be construed to preempt or supersede any other program relating to cut flowers or cut greens promotion and consumer information organized and operated under the laws of the United States or a State.

(Pub. L. 103–190, § 13, Dec. 14, 1993, 107 Stat. 2289.)

§ 6813. Regulations

The Secretary may issue such regulations as are necessary to carry out this chapter and the powers vested in the Secretary by this chapter, including regulations relating to the assessment of late payment charges and interest.

(Pub. L. 103–190, § 14, Dec. 14, 1993, 107 Stat. 2289.) Sec.

§ 6814. Authorization of appropriations

(a) In general

There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this chapter.

(b) Administrative expenses

Funds appropriated under subsection (a) of this section may not be used for the payment of the expenses or expenditures of the PromoFlor Council in administering a provision of an order.

(Pub. L. 103–190, § 15, Dec. 14, 1993, 107 Stat. 2289.)

CHAPTER 98—DEPARTMENT OF AGRICULTURE REORGANIZATION

Sec.

6901. Purpose.

6902. Definitions.

SUBCHAPTER I—GENERAL REORGANIZATION AUTHORITIES

6911. Transfer of Department functions to Secretary of Agriculture.
(a) Transfer of functions.
(b) Exceptions.

6912. Authority of Secretary to delegate transferred functions.
(a) Delegation of authority.
(b) Cost-benefit analysis required for name change.
(c) Public comment on proposed reorganization.
(d) Interagency transfer of records, property, personnel, and funds.
(e) Exhaustion of administrative appeals.

6913. Reductions in number of Department personnel.
(a) Definitions.
(b) Number of reductions required.
(c) Emphasis on headquarters offices reductions.
(d) Schedule.

6914. Consolidation of headquarters offices.

6915. Combination of field offices.
(a) Combination of offices required.
(b) Joint use of resources and offices required.

6916. Improvement of information sharing.

6917. Reports by Secretary.
(a) In general.
(b) Limitation.
(c) Selection of reports.

6918. Assistant Secretaries of Agriculture.
(a) Authorization.
(b) Confirmation required.
(c) Succession.
(d) Duties of Assistant Secretary of Agriculture for Civil Rights.

6919. Repealed.

6920. Office of Energy Policy and New Uses.

SUBCHAPTER II—FARM AND FOREIGN AGRICULTURAL SERVICES

6931. Under Secretary of Agriculture for Farm and Foreign Agricultural Services.
(a) Authorization.
(b) Confirmation required.
(c) Functions of Under Secretary.
(d) Succession.

6932. Consolidated Farm Service Agency.
(a) Establishment.
(b) Functions of Consolidated Farm Service Agency.
(c) Special concurrence requirements for certain functions.

(d) Jurisdiction over conservation program appeals.

(e) Use of Federal and non-Federal employees.

(f) Collocation.

(g) Savings provision.

6933. Office of Risk Management.

(a) Establishment.

(b) Functions of Office of Risk Management.

(c) Administrator.

(d) Resources.

SUBCHAPTER III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

6941. Under Secretary of Agriculture for Rural Development.

(a) Authorization.

(b) Confirmation required.

(c) Functions of Under Secretary.

(d) Succession.

(e) Loan approval authority.

6942. Rural Utilities Service.

(a) Establishment required.

(b) Administrator.

(c) Functions.

6943. Rural Housing and Community Development Service.

(a) Establishment authorized.

(b) Functions.

6944. Rural Business and Cooperative Development Service.

(a) Establishment authorized.

(b) Functions.

SUBCHAPTER IV—FOOD, NUTRITION, AND CONSUMER SERVICES

6951. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

(a) Authorization.

(b) Confirmation required.

(c) Functions of Under Secretary.

(d) Succession.

SUBCHAPTER V—NATURAL RESOURCES AND ENVIRONMENT

6961. Under Secretary of Agriculture for Natural Resources and Environment.

(a) Authorization.

(b) Confirmation required.

(c) Functions of Under Secretary.

(d) Succession.

6962. Natural Resources Conservation Service.

(a) Establishment.

(b) Functions.

(c) Special concurrence requirements for certain functions.

(d) Use of Federal and non-Federal employees.

(e) Savings provision.

6962a. Cooperative agreements.

6963. Reorganization of Forest Service.

(a) Required elements of reorganization proposals.

(b) Report.

SUBCHAPTER VI—RESEARCH, EDUCATION, AND ECONOMICS

6971. Under Secretary of Agriculture for Research, Education, and Economics.

(a) Authorization.

(b) Confirmation required.

(c) Functions of Under Secretary.

(d) Cooperative State Research, Education, and Extension Service.

6972. Program staff.

SUBCHAPTER VII—FOOD SAFETY

6981. Under Secretary of Agriculture for Food Safety.

- Sec.
- (a) Establishment.
 - (b) Functions of Under Secretary.
 - (c) Omitted.
 - (d) Technical and scientific review groups.
6982. Conditions for implementation of alterations in the level of additives allowed in animal diets.
- (a) Conditions.
 - (b) Final rule described.

SUBCHAPTER VIII—NATIONAL APPEALS DIVISION

6991. Definitions.
6992. National Appeals Division and Director.
- (a) Establishment of Division.
 - (b) Director.
 - (c) Direction, control, and support.
 - (d) Determination of appealability of agency decisions.
 - (e) Division personnel.
6993. Transfer of functions.
6994. Notice and opportunity for hearing.
6995. Informal hearings.
6996. Right of participants to Division hearing.
- (a) Appeal to Division for hearing.
 - (b) Time for appeal.
6997. Division hearings.
- (a) General powers of Director and hearing officers.
 - (b) Time for hearing.
 - (c) Location and elements of hearing.
 - (d) Determination notice.
 - (e) Effective date.
6998. Director review of determinations of hearing officers.
- (a) Requests for Director review.
 - (b) Determination of Director.
 - (c) Basis for determination.
 - (d) Equitable relief.
 - (e) Effective date.
6999. Judicial review.
7000. Implementation of final determinations of Division.
7001. Conforming amendments relating to National Appeals Division.
- (a) Decisions of State, county, and area committees.
 - (b), (c) Omitted.
7002. Authorization of appropriations.

SUBCHAPTER VIII—A—MARKETING AND REGULATORY PROGRAMS

7005. Under Secretary of Agriculture for Marketing and Regulatory Programs.
- (a) Authorization.
 - (b) Confirmation required.
 - (c) Functions of Under Secretary.
 - (d) Succession.

SUBCHAPTER IX—MISCELLANEOUS REORGANIZATION PROVISIONS

7011. Successorship provisions relating to bargaining units and exclusive representatives.
- (a) Voluntary agreement.
 - (b) Effect of an agreement.
 - (c) “Affected party” defined.
7012. Purchase of American-made equipment and products.
- (a) Sense of Congress.
 - (b) Notice requirement.
7013. Proposed conforming amendments.
7014. Termination of authority.
- (a) In general.
 - (b) Functions.

SUBCHAPTER X—FREEDOM TO E-FILE

7031. Electronic filing and retrieval.
- (a) In general.
 - (b) Applicability.

- Sec.
- (c) Implementation.
 - (d) Progress reports.
7032. Accessing information and filing over the Internet.
- (a) In general.
 - (b) Implementation.
7033. Availability of agency information technology funds.
- (a) Reservation of funds.
 - (b) Time for reservation.
 - (c) Use of funds.
 - (d) Return of funds.
7034. Federal Crop Insurance Corporation and Risk Management Agency.
- (a) In general.
 - (b) Administration.
 - (c) Implementation.
7035. Confidentiality.

§ 6901. Purpose

The purpose of this chapter is to provide the Secretary of Agriculture with the necessary authority to streamline and reorganize the Department of Agriculture to achieve greater efficiency, effectiveness, and economies in the organization and management of the programs and activities carried out by the Department.

(Pub. L. 103-354, title II, §202, Oct. 13, 1994, 108 Stat. 3209.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 103-354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note below and Tables.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-222, §1, June 20, 2000, 114 Stat. 353, provided that: “This Act [enacting subchapter X of this chapter] may be cited as the ‘Freedom to E-File Act’.”

SHORT TITLE

Section 1(a) of Pub. L. 103-354 provided that: “This Act [see Tables for classification] may be cited as the ‘Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994’.”

Section 201(a) of title II of Pub. L. 103-354 provided that: “This title [see Tables for classification] may be cited as the ‘Department of Agriculture Reorganization Act of 1994’.”

§ 6902. Definitions

Except where the context requires otherwise, for purposes of this chapter:

(1) Department

The term “Department” means the Department of Agriculture.

(2) National Appeals Division

The term “National Appeals Division” means the National Appeals Division of the Department established under section 6992 of this title.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(4) Function

The term “function” means an administrative, financial, or regulatory activity of an